

AGENDA: June 24, 2003

4.4

CATEGORY: Consent

DEPT.: Community Development

TITLE: Adopt a Resolution in Support of the
State-Wide Adoption of the International
Codes Published by the International
Code Council

RECOMMENDATION

Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW SUPPORTING THE STATE-WIDE ADOPTION OF THE INTERNATIONAL CODES PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, to be read in title only, further reading waived.

FISCAL IMPACT

There is no fiscal impact directly associated with support of the proposed adoption of the International Codes published by the International Code Council.

BACKGROUND AND ANALYSIS

Since 1927, there have been three main code organizations that developed building codes for different geographical areas of the country. In the West, we were part of the International Conference of Building Officials (ICBO). More than 10 years ago, during the Clinton Administration, with Federal government encouragement and influence, the three main code bodies began to merge. Finally, over the past several years the three organizations joined to form the International Code Council (ICC) and developed the International Codes to be used nationally as well as internationally.

The ICC has a combined 160 years of knowledge and experience from all organizations involved in the construction industry. Although all members of the construction industry can become members of the ICC, initiate code changes and participate in debates (even at the time of actual voting), only building officials or fire officials are allowed to make the final vote for code changes. The intent is to ensure that those members who serve only the public interest, and do not have a personal or special interest in a particular product/material, determine the code requirements.

The National Fire Protection Association (NFPA), the International Association of Plumbing and Mechanical Officials (IAPMO) and the Western Fire Chiefs Association are not part of the International Code Council and have decided to produce a competing set of codes. In order to provide states and local jurisdictions with a complete set of building and fire codes to

compete with the ICC codes, the NFPA was chosen to provide the financing and coordination for the development of the NFPA 5000 Building Code. That code development process would allow all NFPA members, including manufacturers, trade organizations and designers, to influence the outcome of the building code development. The government component represented by building and fire officials would be a minority, less than 30 percent, of the code development and approval process. The loss of control of the final outcome of the codes that are eventually adopted and enforced by the State and by local jurisdictions is both the primary difference and concern of code officials for supporting the adoption of the ICC International Codes.

During the last code adoption cycle in March 2002, the State did not adopt the 2000 International Building Code and 2000 International Residential Code, the most updated codes available. Instead the State decided to continue to enforce the 1997 Uniform Building Code with amendments in order to allow the National Fire Protection Association to complete the development and publication of the NFPA 5000 Building Code. In California, local jurisdictions are mandated to adopt the building codes that are adopted by the State. Therefore, Mountain View cannot adopt the codes that we feel are the most updated and provide the best life-safety measures. The State must decide between the ICC International Codes and the NFPA 5000 Building Code for the 2004 code cycle. The Council is being asked to support the ICC International Codes for the reasons described below.

Building and Fire Official Concerns

NFPA is lobbying the State and local officials to get the NFPA 5000 adopted in the 2004 code cycle. The overwhelming majority of local jurisdictions (almost all building officials and many fire marshals) in the State are in full support of the ICC International Codes. In Mountain View, both the Building Division and Fire Department are in full support of the ICC versus the NFPA 5000. There are two main reasons for this:

1. The ICC is the result of experience and knowledge from three code-writing bodies that amounts to over 160 years of practice. The amount of information and experience that has been gained during that time cannot be underestimated. The International Codes are being used in most states in the U.S. and have been recognized internationally. The NFPA 5000 is a new building code that has not been adopted by any jurisdiction, has never been used for actual project design or plan review and is not expected to be adopted in any other state. Adoption of the NFPA 5000 will cause major disruption and cost to the entire design and construction industry in California and isolate the State from enforcing building regulations that are accepted in the rest of the United States. This will put the State at a significant disadvantage in attracting new business and development.

2. The voting members of the ICC are representatives from local jurisdictions (building and fire officials) who have no personal or special interest other than the public safety, health and welfare. This type of code development process ensures the highest level of public safety and welfare at both the State and local level.

Several issues have arisen as a result of the State not adopting the International Codes and remaining with a building code that is outdated. The most important is the lack of updated structural design requirements. Mountain View and many other Bay Area jurisdictions adopted nine amendments to the 2001 California Building Code to address the most critical of the structural issues.

CONCLUSION

If enacted, this resolution would provide additional support with other cities in California to direct the California Building Standards Commission to adopt the International Code Council building and fire safety codes to ensure a continued high level of public health, life safety and welfare in building construction for the citizens of Mountain View and the State of California.

Staff recommends that the Council adopt the attached resolution (Attachment 1) and offer its support for the adoption of the International Codes for all building and fire safety codes as published by the International Code Council.

PUBLIC NOTICING—Agenda posting.

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RG/9/CAM
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Attachment: 1. Resolution

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CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW
SUPPORTING THE STATE-WIDE ADOPTION OF THE INTERNATIONAL CODES
PUBLISHED BY THE INTERNATIONAL CODE COUNCIL

WHEREAS, the codes published by the International Conference of Building Officials (ICBO) have been successful in ensuring a high level of public health, safety and welfare in building construction for the citizens of California for over 70 years; and

WHEREAS, the three major model code organizations, including ICBO, joined to consolidate into the International Code Council (ICC) and produce the ICC International Codes as a single set of building and fire safety codes for nationwide and international use instead of three; and

WHEREAS, one or more of the ICC International Codes are used in 46 states, the District of Columbia and by Federal agencies; and

WHEREAS, adopting the ICC International Codes with nationwide usage is necessary to maintain a competitive economic environment for business and housing in the State of California and in the City of Mountain View; and

WHEREAS, adoption of the ICC International Codes has been endorsed by leading building industry groups and professional organizations, including:

- National Association Home Builders (NAHB);
- California Building Industry Association (CBIA);
- Building Owners and Managers Association (BOMA);
- National Apartment Association;
- National Multi-Housing Council;
- International City Managers Association (ICMA);
- American Institute of Architects (AIA); and

- California Building Officials (CALBO); and

WHEREAS, the ICC International Codes are developed through an open, inclusive and balanced process that ensures the participation of all interested parties while maintaining the final determination of code provisions beyond the control of vested and proprietary interests and with Building and Fire Code Officials dedicated to the preservation of the public health, safety and welfare in our community; and

WHEREAS, the accessibility provisions in the ICC International Codes have been developed to comply with Federal Americans with Disabilities Act guidelines and are approved as a safe harbor for complying with Federal Fair Housing Act guidelines; and

WHEREAS, local jurisdictions such as the City of Mountain View are responsible for enforcing building and fire codes for approximately 95 percent of the buildings in the State of California; and

WHEREAS, local jurisdictions should have commensurate participation in the decision as to which codes for building and fire life safety are adopted in the State of California on behalf of our communities;

NOW, THEREFORE, the City Council of the City of Mountain View DOES HEREBY RESOLVE:

1. To declare its support for adoption of the ICC International Codes for all building and fire safety codes by the California Building Standards Commission for use in the State of California and the City of Mountain View; and
2. To direct the City Clerk to forward this resolution to Governor Gray Davis and the California Building Standards Commission; and
3. To direct the City Clerk to forward this resolution to the League of California Cities, California Building Officials, California Fire Chiefs Association, International Code Council and other appropriate governmental and private organizations for the purpose of encouraging adoption of the ICC International Codes; and
4. To direct the City Manager, Fire Chief, Fire Marshal and Chief Building Official to represent the citizens of Mountain View in the pursuit, to the greatest extent possible, of the adoption of the ICC International Codes for use in the State of California and the City of Mountain View.

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